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Dated: February 22, 2010

Signature: /Tammi Thomas/
(Tammi Thomas)

Docket No.: 1654.042570 (CPOL111573)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	Confirmation No.:	8849
Donald Pham et al.	§		
	§	Group Art Unit:	2467
Serial No.: 09/922,520	§		
	§	Examiner:	Duc T. Duong
Filed: August 3, 2001	§		
	§		
For: Method of Performance	§		
Measurement for a Scalable Network	§		

RESPONSE TO OFFICE ACTION DATED NOVEMBER 20, 2009

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

INTRODUCTORY COMMENTS

In response to the Office Action dated November 20, 2009, having a shortened statutory period for response set to expire on February 20, 2010, please enter this response and reconsider the claims pending in the application for reasons discussed below. While no fees are believed due, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/1654.042570 (CPOL111573)/GGM for any fees, including extension of time fees or excess claim fees, required to make this response timely and acceptable to the Office.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper. Remarks/Arguments begin on page 5 of this paper.